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09500HB4489ham001

LRB095 17716 RCE 47602 a

1 AMENDMENT TO HOUSE BILL 4489

2 AMENDMENT NO. _____. Amend House Bill 4489 by replacing
3 everything after the enacting clause with the following:

4 "(225 ILCS 635/1.5 rep.)

5 Section 5. The Illinois Horse Meat Act is amended by
6 repealing Section 1.5.

7 Section 10. The Illinois Horse Meat Act is amended by
8 adding Section 13.9 as follows:

9 (225 ILCS 635/13.9 new)

10 Sec. 13.9. Exclusions from the Act. Horse meat labeled as
11 such in hermetically sealed containers and registered under the
12 Illinois Commercial Feed Act of 1961 is excluded from the
13 provisions of this Act. Horse meat prepared in federally
14 inspected plants located in the State of Illinois, for sale
15 outside of the State of Illinois, is excluded from the

1 provisions of this Act.

2 Section 15. The Animals Intended for Food Act is amended by
3 changing Section 2.1 as follows:

4 (410 ILCS 605/2.1) (from Ch. 8, par. 107.1)

5 Sec. 2.1. When in the interest of the general public and in
6 the opinion of the Department of Agriculture it is deemed
7 advisable, the Department has authority to quarantine or
8 restrict any and all animals intended for human consumption
9 that contain poisonous or deleterious substances which may
10 render meat or meat products or poultry or poultry products
11 from such animals or poultry injurious to health; except in
12 case the quantity of such substances in such animals does not
13 ordinarily render meat or meat products or poultry or poultry
14 products from such animals injurious to health.

15 The Department or its duly authorized agent shall
16 investigate or cause to be investigated all cases where it has
17 reason to believe that animals intended for human consumption
18 are contaminated with any poisonous or deleterious substance
19 which may render them unfit for human consumption.

20 The Department or its duly designated agent in performing
21 the duties vested in it under this Act is empowered to enter
22 any premises, barns, stables, sheds, or other places for the
23 purposes of administering this Act.

24 The Department may allow the sale or transfer of animals

1 under quarantine or restriction subject to reasonable rules and
2 regulations as may be prescribed.

3 For the purposes of this Act, the term "Animal" means
4 cattle, calves, sheep, swine, horses, mules, or other equidae,
5 goats, poultry and any other animal which can be or may be used
6 in and for meat or poultry or their products for human
7 consumption.

8 Notwithstanding any other rulemaking authority that may
9 exist, neither the Governor nor any agency or agency head under
10 the jurisdiction of the Governor has any authority to make or
11 promulgate rules to implement or enforce the provisions of this
12 amendatory Act of the 95th General Assembly. If, however, the
13 Governor believes that rules are necessary to implement or
14 enforce the provisions of this amendatory Act of the 95th
15 General Assembly, the Governor may suggest rules to the General
16 Assembly by filing them with the Clerk of the House and
17 Secretary of the Senate and by requesting that the General
18 Assembly authorize such rulemaking by law, enact those
19 suggested rules into law, or take any other appropriate action
20 in the General Assembly's discretion. Nothing contained in this
21 amendatory Act of the 95th General Assembly shall be
22 interpreted to grant rulemaking authority under any other
23 Illinois statute where such authority is not otherwise
24 explicitly given. For the purposes of this Section, "rules" is
25 given the meaning contained in Section 1-70 of the Illinois
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of
2 the Illinois Administrative Procedure Act to the extent that
3 such definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 (Source: P.A. 95-2, eff. 5-24-07.)

6 Section 20. The Illinois Equine Infectious Anemia Control
7 Act is amended by changing Section 4 as follows:

8 (510 ILCS 65/4) (from Ch. 8, par. 954)

9 Sec. 4. Tests of equidae entering the State. All equidae
10 more than 12 months of age entering the State for any reason
11 other than for immediate slaughter shall be accompanied by a
12 Certificate of Veterinary Inspection issued by an accredited
13 veterinarian of the state of origin within 30 days prior to
14 entry and shall be negative to an official test for EIA within
15 one year prior to entry. Equidae entering the State for
16 immediate slaughter shall be accompanied by a consignment
17 direct to slaughter at an approved equine slaughtering
18 establishment.

19 Notwithstanding any other rulemaking authority that may
20 exist, neither the Governor nor any agency or agency head under
21 the jurisdiction of the Governor has any authority to make or
22 promulgate rules to implement or enforce the provisions of this
23 amendatory Act of the 95th General Assembly. If, however, the
24 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
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4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this Section, "rules" is
12 given the meaning contained in Section 1-70 of the Illinois
13 Administrative Procedure Act, and "agency" and "agency head"
14 are given the meanings contained in Sections 1-20 and 1-25 of
15 the Illinois Administrative Procedure Act to the extent that
16 such definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 (Source: P.A. 95-2, eff. 5-24-07.)

19 Section 25. The Humane Care for Animals Act is amended by
20 changing Sections 5 and 7.5 as follows:

21 (510 ILCS 70/5) (from Ch. 8, par. 705)

22 Sec. 5. Lame or disabled horses. No person shall sell,
23 offer to sell, lead, ride, transport, or drive on any public
24 way any equidae which, because of debility, disease, lameness

1 or any other cause, could not be worked in this State without
2 violating this Act, unless the equidae is being sold,
3 transported, or housed with the intent that it will be moved in
4 an expeditious and humane manner to an approved slaughtering
5 establishment. Such equidae may be conveyed to a proper place
6 for medical or surgical treatment, ~~or~~ for humane keeping or
7 euthanasia, or for slaughter in an approved slaughtering
8 establishment.

9 A person convicted of violating this Section or any rule,
10 regulation, or order of the Department pursuant thereto is
11 guilty of a Class A misdemeanor. A second or subsequent
12 violation is a Class 4 felony.

13 Notwithstanding any other rulemaking authority that may
14 exist, neither the Governor nor any agency or agency head under
15 the jurisdiction of the Governor has any authority to make or
16 promulgate rules to implement or enforce the provisions of this
17 amendatory Act of the 95th General Assembly. If, however, the
18 Governor believes that rules are necessary to implement or
19 enforce the provisions of this amendatory Act of the 95th
20 General Assembly, the Governor may suggest rules to the General
21 Assembly by filing them with the Clerk of the House and
22 Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this Section, "rules" is
4 given the meaning contained in Section 1-70 of the Illinois
5 Administrative Procedure Act, and "agency" and "agency head"
6 are given the meanings contained in Sections 1-20 and 1-25 of
7 the Illinois Administrative Procedure Act to the extent that
8 such definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

10 (Source: P.A. 95-2, eff. 5-24-07.)

11 (510 ILCS 70/7.5)

12 Sec. 7.5. Downed animals.

13 (a) For the purpose of this Section a downed animal is one
14 incapable of walking without assistance.

15 (b) No downed animal shall be sent to a stockyard, auction,
16 or other facility where its impaired mobility may result in
17 suffering. An injured animal ~~other than those of the equine~~
18 ~~genus~~ may be sent directly to a slaughter facility.

19 (c) A downed animal sent to a stockyard, auction, or other
20 facility in violation of this Section shall be humanely
21 euthanized, the disposition of such animal shall be the
22 responsibility of the owner, and the owner shall be liable for
23 any expense incurred.

24 If an animal becomes downed in transit it shall be the
25 responsibility of the carrier.

1 (d) A downed animal shall not be transported unless
2 individually segregated.

3 (e) A person convicted of violating this Section or any
4 rule, regulation, or order of the Department pursuant thereto
5 is guilty of a Class B misdemeanor. A second or subsequent
6 violation is a Class 4 felony, with every day that a violation
7 continues constituting a separate offense.

8 (f) Notwithstanding any other rulemaking authority that
9 may exist, neither the Governor nor any agency or agency head
10 under the jurisdiction of the Governor has any authority to
11 make or promulgate rules to implement or enforce the provisions
12 of this amendatory Act of the 95th General Assembly. If,
13 however, the Governor believes that rules are necessary to
14 implement or enforce the provisions of this amendatory Act of
15 the 95th General Assembly, the Governor may suggest rules to
16 the General Assembly by filing them with the Clerk of the House
17 and Secretary of the Senate and by requesting that the General
18 Assembly authorize such rulemaking by law, enact those
19 suggested rules into law, or take any other appropriate action
20 in the General Assembly's discretion. Nothing contained in this
21 amendatory Act of the 95th General Assembly shall be
22 interpreted to grant rulemaking authority under any other
23 Illinois statute where such authority is not otherwise
24 explicitly given. For the purposes of this subsection, "rules"
25 is given the meaning contained in Section 1-70 of the Illinois
26 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of
2 the Illinois Administrative Procedure Act to the extent that
3 such definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 (Source: P.A. 95-2, eff. 5-24-07.)

6 Section 30. The Humane Slaughter of Livestock Act is
7 amended by changing Section 2 as follows:

8 (510 ILCS 75/2) (from Ch. 8, par. 229.52)

9 Sec. 2. As used in this Act:

10 (1) "Director" means the Director of the Department of
11 Agriculture of the State of Illinois.

12 (2) "Person" means any individual, partnership,
13 corporation, or association doing business in this State, in
14 whole or in part.

15 (3) "Slaughterer" means any person regularly engaged in the
16 commercial slaughtering of livestock.

17 (4) "Livestock" means cattle, calves, sheep, swine,
18 horses, mules, goats, and any other animal which can or may be
19 used in and for the preparation of meat or meat products for
20 consumption by human beings or animals. ~~"Livestock", however,~~
21 ~~does not include horses, mules, or other equidae to be used in~~
22 ~~and for the preparation of meat or meat products for~~
23 ~~consumption by human beings, which is prohibited under Section~~
24 ~~1.5 of the Illinois Horse Meat Act.~~

1 (5) "Packer" means any person engaged in the business of
2 slaughtering or manufacturing or otherwise preparing meat or
3 meat products for sale, either by such person or others; or of
4 manufacturing or preparing livestock products for sale by such
5 person or others.

6 (6) "Humane method" means either (a) a method whereby the
7 animal is rendered insensible to pain by gunshot or by
8 mechanical, electrical, chemical or other means that is rapid
9 and effective, before being shackled, hoisted, thrown, cast or
10 cut; or (b) a method in accordance with ritual requirements of
11 the Jewish faith or any other religious faith whereby the
12 animal suffers loss of consciousness by anemia of the brain
13 caused by the simultaneous and instantaneous severance of the
14 carotid arteries with a sharp instrument.

15 Notwithstanding any other rulemaking authority that may
16 exist, neither the Governor nor any agency or agency head under
17 the jurisdiction of the Governor has any authority to make or
18 promulgate rules to implement or enforce the provisions of this
19 amendatory Act of the 95th General Assembly. If, however, the
20 Governor believes that rules are necessary to implement or
21 enforce the provisions of this amendatory Act of the 95th
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6 given the meaning contained in Section 1-70 of the Illinois
7 Administrative Procedure Act, and "agency" and "agency head"
8 are given the meanings contained in Sections 1-20 and 1-25 of
9 the Illinois Administrative Procedure Act to the extent that
10 such definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.

12 (Source: P.A. 95-2, eff. 5-24-07.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."